

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELWOOD G. HALL,

Defendant.

CR-90-17-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 25, 2018. (Doc. 113.) Neither party filed objections. Accordingly, the Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 23, 2018. (Doc. 112.) The United States accused Defendant Elwood G. Hall of violating his conditions of supervised release by 1) using methamphetamine, 2) by failing to complete sex offender treatment; and 3) by consuming alcohol. (Doc. 113 at 2.) Hall admitted to all three violations of his supervised release. (Doc. 113 at 2-3.) The violations prove serious and warrant revocation of Hall's supervised release.

Judge Johnston recommended that the Court revoke Hall's supervised release and commit Hall to the custody of the Bureau of Prisons for nine months, followed by thirty-six months supervised release. (Doc. 113 at 3.) Judge Johnston recommended that the supervised release conditions previously imposed should be continued. (Doc. 113 at 3.) Judge Johnston further recommended that the Court should consider an early termination of Hall's supervised release if he successfully completes sex offender treatment while on supervise release. Judge Johnston recommended that the sentence imposed in this case, CR-90-17-GF-BMM, should run concurrent with the sentence imposed in CR-90-24-BLG-BMM. (Doc. 113 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Hall's violations represent a serious breach of the Court's trust. A custodial sentence of nine months followed by thirty-six months of supervised release, is a sufficient, but not greater than necessary sentence.

Hall, through his attorney Rachel Julagay, filed a Notice Regarding Findings and Recommendations to Revoke Defendant's Supervised Release on October 26, 2018. (Doc. 114.) Hall requests that the Court recommend placement for him at FCI Petersburg in Petersburg, Virginia, or, alternatively, in FCI Marianna, in Marianna, Florida. (Doc. 114 at 1.) The Government does not object to Hall's requested facility recommendations. (Doc. 114 at 1-2.) The Court will recommend

that Hall is placed at FCI Petersburg in Petersburg, Virginia, or, alternatively, in FCI Marianna in Marianna, Florida.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 113) is ADOPTED IN FULL.

IT IS ORDERED that Defendant Elwood G. Hall is sentenced to nine months in custody followed by thirty-six months supervised release. The sentence will run concurrent with the sentence imposed in CR-90-24-BLG-BMM.

IT IS FURTHER ORDERED that the Court will recommend that Hall be placed at FCI Petersburg in Petersburg, Virginia, or, alternatively, that Hall be placed at FCI Marianna in Marianna, Florida.

DATED this 15th day of November, 2018.



Brian Morris
United States District Court Judge